

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

August 31, 1999

UNITED STATES OF AMERICA)	
Complainant,)	
)	
v.)	8 U.S.C. 1324a Proceeding
)	OCAHO Case No. 99A00036
)	
LYNN TAYLOR, INC.,)	
Respondent.)	
_____)	

FINAL DECISION AND ORDER

Appearances: Leo P. Weber, Esquire
Immigration and Naturalization Service for Complainant

James G. Martin, Esquire
Horn & Kim, P.C. for Respondent

Before: Honorable Joseph E. McGuire

On April 22, 1999, complainant, acting by and through the Immigration and Naturalization Service (INS or complainant), commenced this action, which arises under the Immigration Reform and Control Act of 1986 (IRCA), as amended, 8 U.S.C. § 1324a, by having filed a four-count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO).

That initial pleading contained 57 alleged IRCA paperwork violations, for which civil money penalties totaling \$19,935 had been assessed.

On August 31, 1999, the parties jointly filed a pleading captioned Motion to Approve Agreement Containing Consent Findings, and attached thereto the original of their Agreement Containing Consent Findings (hereinafter Agreement).

Under the pertinent section of OCAHO Rules of Practice and Procedure, 28 C.F.R. § 68.14 (1999), where the parties have submitted consent findings, the Administrative Law Judge may, if satisfied with the timeliness, form, and substance thereof, accept such findings by issuing a decision and order based on the agreed findings.

The terms of the Agreement comply with that procedural rule and are appropriate in timeliness, form, and substance. It is further found that under the terms of the Agreement and

pursuant to the provisions of that procedural rule:

1. Respondent has withdrawn its previous request for a hearing on the merits;
2. Respondent will pay and the INS will accept the sum total of Twenty Thousand Five Hundred Seven Dollars and Fifty-five Cents (\$20,507.55) in full settlement and satisfaction of any and all claims set forth in the Notice of Intent to Fine, in the manner the parties have agreed upon.
3. The parties have further agreed to completely release all causes of action, claims, rights, liens or subrogated interests by reason of, or arising from, this action.
4. The Attorney General, pursuant to 8 U.S.C. § 1324(e)(9), is authorized to file suit to seek compliance with any or all of the provisions of this Order in any appropriate United States District Court.
5. Complainant is entitled to recover its reasonable attorneys' fees incurred in the event that it files any action to enforce any terms or conditions of the Agreement.
6. Subject to the exception noted in the preceding paragraph, each party shall bear its own costs, attorneys' fees, and any other expenses which it has incurred in this action.
7. This Decision and Order shall have the same force and effect as if this ruling had been issued after a full administrative hearing.
8. The entire record on which this final decision is based consists solely of the Complaint, the Notice of Hearing, and the Agreement Containing Consent Findings, which is incorporated herein by reference.
9. The parties have waived any right to challenge or contest the validity of this Final Decision and Order.

Order

The Agreement Containing Consent Findings, which is dispositive of all issues herein, is

approved and the Complaint is hereby ordered to be dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September 1999, I have served copies of the foregoing Final Decision and Order on the following persons at the addressees shown, in the manner indicated:

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